


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 00-6273-CR-HUCK

FILED BY 
01 OCT -4 PM 3:45 D.C.
CLERK OF DISTRICT COURT
S.D. OF FL. - MIAMI

UNITED STATES OF AMERICA,
Plaintiff,

vs.

ARIEL HERNANDEZ, et al.,
Defendant,

**EX-PARTE MOTION TO APPOINT DEFENSE EXPERT
AREA OF EXPERTISE: MEDICAL EXAMINER**

THE DEFENDANT, ARIEL HERNANDEZ, by and through the undersigned counsel, pursuant to 18 USC Sec. 3006A(e), respectfully moves this Honorable Court for entry of an Order authorizing the undersigned to retain the services of an expert Medical Examiner to serve as a defense expert, and in support thereof would state:

1. The defendant has previously been adjudicated insolvent and the undersigned represents the Defendant, as Court appointed counsel, pursuant to the Criminal Justice Act. The defendant is incarcerated and remains financially unable to retain the services of defense experts. The Defendant is charged inter-alia with Conspiracy to commit and the substantive offense of Murder of Jeannette Smith, both in furtherance of the additional RICO allegations charged herein.

2. Upon information and belief, the Government will rely upon Dr. Lisa Flannagin, a Medical Examiner with the Broward County Medical Examiner's Office, to prove the manner in which the decedent died, as well as to describe certain other trauma to the victim's body. It is anticipated that among the injuries sustained, the Government will prove that the victim suffered severe anal trauma as well as certain injuries to her neck. It is further anticipated that the Government will argue that



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these injuries lead to the inescapable conclusion that the victim was killed intentionally and with premeditation in order to eliminate her as a witness.

3. The Defendant will likely seek to prove that the injuries allegedly sustained by the victim are consistent with having been inflicted accidentally during various consensual sexual acts.

4. It is therefore, necessary that the Defendant obtain the services of a qualified medical examiner for this purpose. The undersigned has contacted Dr. Ronald K. Wright to inquire as to whether he would be available to serve as a defense expert in this matter. Dr. Wright is well qualified to serve in this capacity. Among his qualifications, he is the former Chief Medical Examiner for Broward County (1980-1994). Before that he was an Associate Medical Examiner and Deputy Chief Medical Examiner for Dade County (1974-1980). He is Board Certified and extensively published in the field of Forensic Pathology. A more complete description of Dr. Wright's qualifications, is reflected in the attached Curriculum Vitae.

5. It is anticipated that Dr. Wright will review the findings, observations, etc. of Dr. Flannigan in order to form his opinions. It is not anticipated that it will be necessary to exhume the body for examination. It is anticipated that Dr. Wright will expend approximately five to eight hours reviewing relevant materials, forming his opinions and conferring with defense counsel. Dr. Wright has indicated that his customary hourly fee is \$350.00 per hour. He has agreed to accept \$300.00 per hour for his services in this matter.

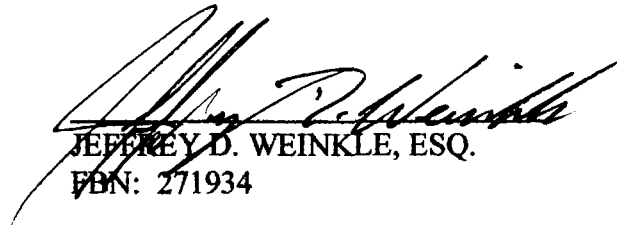
6. In view of the confidential nature of this matter, the undersigned has not contacted Government's counsel regarding this matter.

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WHEREFORE, the Defendant respectfully moves this Honorable Court to enter its Order authorizing the defendant to retain the services of Dr. Ronald K. Wright, as a defense expert, and to report only to defense counsel.

DATED this 2nd day of October, 2001.

Respectfully submitted,



JEFFREY D. WEINKLE, ESQ.
FBN: 271934

R.K. Wright MD JD
Forensic Pathology Consultant
2101 SW 29th AVENUE
FORT LAUDERDALE, FL 33312
Voice 954-520-4958 Fax 954-212-0797
wrightjd@bellsouth.net

2001 August 14

Re: Fee Structure and Other Matters.

Thank you for inquiring concerning employing my services as a forensic pathologist.

I charge \$350/hour for time spent working as a consultant. Time is rounded up to the nearest 0.1 hour. Bills will be sent out at least monthly while a case appears to be open. Under some circumstances, a flat fee arrangement can be made, but I prefer to bill hourly. Also, I am happy to estimate the total cost in hours or dollars, for purposes of budgeting the cost of litigation.

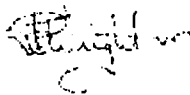
There are no charges for incidental expenses such as copying, faxing, photographing, etc. The hourly fee covers all that. Travel expenses are the only additional cost, and the actual cost of transportation, accommodations and meals are an additional expense. The hourly charge maximizes at 10 hours/day when out of town travel is required. I shall make every effort to minimize the time spent in out of town travel.

I require neither retainer nor pre-payment of fees. I expect to be paid for the reasonable amount of time spent in research, investigations, preparation, conferences and testimony, plus travel time if required. I look upon you, as the attorney, as the person contracting for my services. If you feel that this is not the proper arrangement, it is probably best that I not spend any more time on this matter.

I do not look upon my role as an advocate for your client's cause. I will endeavor to do my best to investigate and research the matter at hand, and give you my opinions. Often these opinions will be adverse to your client. Generally, this is determinable early on, unfortunately, not always, however.

Please send depositions as "ASCII" files either by email or mail the diskettes, if possible. This will save trees, dollars and time. Please fax anything you can, and no hard copies are required.

If you have any questions, please do not hesitate to discuss them with me.



I will work for \$300/hour for state and federal indigent defendants

CURRICULUM VITAE

RONALD K. WRIGHT BS, MD, JD

September 13, 2001

2101 SW 29th Avenue
Fort Lauderdale, FL 33312-4364
+1-954-520-4958 (Voice)
+1-954-212-0797 (Fax)
rkw@rkwrightmdid.com (email)

<http://www.rkwrightmdid.yourmd.com/>

HIGHER EDUCATION:

Southwest Missouri State University
Springfield, Missouri
Bachelor of Science, 1967 (Biology and Chemistry)

St. Louis University School of Medicine
St. Louis, Missouri
Doctor of Medicine, 1971

University of Miami School of Law
Miami, Florida
Juris Doctor, 1980

POST DOCTORAL TRAINING:

Externship

Homer G. Phillips Hospital
St. Louis 1969-71
Obstetrics

Internship

Medical Center Hospital of Vermont
Burlington, Vermont 1971-72
Anatomic and Clinical Pathology

Residency

Medical Center Hospital of Vermont,
Burlington, Vermont, 1972-74
Anatomic and Clinical Pathology

Metropolitan Dade County Medical Examiner's Department
Miami, Florida 1974-75
Forensic Pathology

R. K. Wright MD JD
Curriculum Vitae
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BOARD CERTIFICATIONS AND LICENSURES:

Diplomat: National Board of Medical Examiners, 1972 No. 121104
Diplomat: American Board of Pathology
 Anatomic Pathology 1974
 Clinical Pathology 1974
 Forensic Pathology 1975
Licensed Practitioner
 Missouri, 1971, No.33463 (currently inactive)
 Vermont, 1972, No.4635 (currently inactive)
 Florida, 1973, No.21426
Admitted to the Bar
 Florida, 1980, No.27054

PROFESSIONAL EXPERIENCE:

Burge Hospital, Burge Protestant Hospital, Lester E Cox Medical Center, Springfield, Missouri
 Medical Technician, Phlebotomist 1959-1962
 Medical Technician, 1962-1964
 Night Supervisor, 1964-1967
University of Tennessee, College of Medicine, Department of Pharmacology, Memphis, Tennessee
 National Institutes of Health Undergraduate Fellowship
St. Louis University Hospitals, St. Louis Missouri
 Deputy Director Clinical Chemistry 1967-70
 Chief Toxicologist 1967-70
St. Louis City Hospital Number 2, Homer G. Phillips Hospital
 Extern Obstetrics and Gynecology 1970-71
University of Vermont Medical Center Hospital of Vermont
 Intern 1971-72
 Resident 1972-74
Office of the Chief Medical Examiner, Burlington, Vermont
 Regional Medical Examiner 1972-74
 Director, Alcohol Testing Laboratory CRASH 1972-74
 Deputy Chief Medical Examiner 1973-74
United States Public Health Service Reserve
 Assistant Surgeon 1972-74
Medical Examiner's Department, District 11, Dade County, Miami, Florida
 Associate Medical Examiner, 1974-80
 Deputy Chief Medical Examiner, 1975-80
Florida Army National Guard
 Captain, Medical Corps 1979
 Major, Medical Corps 1979-84
United States Army
 Captain, Medical Corps 1979
 Major, Medical Corps 1979-84
 Lieutenant Colonel 1987-1997, Retired 1997
Medical Examiner's Office, District 17, Broward County, Fort Lauderdale, Florida
 District (Chief) Medical Examiner, 1980-1994
University of Miami, School of Medicine, Miami, Florida
 Assistant Professor, Department of Pathology 1974-79

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Assistant Professor, Department of Epidemiology & Public Health 1976-79
Tenured Associate Professor, Department of Epidemiology & Public Health 1980-1994
Tenured Associate Professor, Department of Pathology 1979-2000, retired 2000
Associate Professor, Department of Pathology 2000-Present
Private Practice Forensic Pathology 2000-Present

ADMINISTRATIVE AND COMMITTEE RESPONSIBILITIES:

St. Louis University School of Medicine
Student Body President, 1969-71
Student American Medical Association,
St. Louis Chapter Vice-President, 1969-70
Dade County Medical Association
Impaired Physician Committee, 1979-80
Florida Medical Association
Emergency Medical Committee, 1980-83
Toxicology Committee, 1981-83
Child Seat Belt Council
Board of Directors 1980-84
American Association for Medical Systems and Informatics
Chairman Forensic Medicine Information Systems, 1983-85
Jackson Memorial Hospital
Autopsy Service, Director 1976-1978
University of Miami, School of Medicine
Pathology Course, Director, 1976-78
Ph.D.-MD Pathology Course, Director, 1976-78
Promotions Committee, 1975-77
Word Processing and Publications Board 1979-83
Admissions Committee 1995-2000
Library Committee 1997-2000
United States National Institute of Health Comprehensive Cancer Centers
Tumor Registry Committee, 1975
Nomenclature Subcommittee, 1977-78
Broward County, Florida
Health and Sanitation Board 1980-1994
Emergency Medical Services Council 1981-84, 1988-1994
Biracial Committee for Black Concerns, 1983-84
United States Department of Justice, FBI
Missing/Unidentified Persons Advisory Council 1983-1999
State of Florida, Department of Highway Safety and Motor Vehicles
Drugs and Driving Panel 1983-88
Medical Advisory Board, 1984-2001
Organ Donation Consortium, Board of Directors, 1984-87
Organ Procurement Program
Medical Advisory Board, 1984-90
National Safety Council, Broward County Chapter
Board of Directors, 1982-86
Anyone in Distress, (AIDS CENTER ONE)
Board of Directors, 1987-89

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Vice-President, 1988-89
President, 1989
Tri-County AIDS Task Force
Board of Directors, 1987-1997
Broward County Commission on Alcoholism
Board of Directors 1982-2001
Vice President 1989-1992
Medical Director 1992-1995
President 1992-2001
Broward Court Alcohol and Substance Abuse Program
Medical Director 1995-1998
Florida Society of Pathologists, 1974-PRESENT
Forensic Committee 1978-83
South Florida Society of Pathologists 1974-PRESENT
American Association for the Advancement of Science 1962-1995
National Association of Medical Examiners 1971-PRESENT
Board of Directors, 1978-82, 1985-88
Ad Hoc Committee, Future of Forensic Pathology, 1984-86
American Academy of Forensic Sciences (Fellow), 1971-PRESENT
Co-chairman Computer and Nomenclature Committee, 1978-79
Board of Directors Forensic Sciences Foundation, 1984-87
American College of Legal Medicine (Fellow), 1998-PRESENT
Broward County Medical Association 1980-83
Broward Police Chiefs Association 1980-1995
Florida Police Chiefs Association 1980-1995
Florida Association of Medical Examiners 1980-1994
Secretary, 1982-92
Florida Bar Association 1980-PRESENT
American Bar Association 1980-PRESENT
American Journal of Forensic Medicine and Pathology
Board of Editors 1978-91
Journal of the American Medical Association
Reviewer 1980-PRESENT
Medical-Legal Update-Delhi, India
Editorial Board 1998-PRESENT
American Society of Clinical Pathology, Fellow 1971-PRESENT
Council on Forensic Pathology, 1978-84, Chairman, 1982-84
College of American Pathologists Fellow 1971-92, 1999-PRESENT
Forensic Pathology Section, 1982-86
Computer Consultant, 1978-84
American Medical Association 1999-PRESENT
Hospice of South Florida
Medical Consultant, 1979-80

HONORS AND AWARDS

Alpha Omega Alpha, 1970 (Medical Honorary Society)
Alpha Sigma Nu, 1970 (Jesuit Honorary Society)
Citizen of the Year Alpha Omicron, 1980

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Outstanding Alumnus, Southwest Missouri State University 1980
Man of the Year, Broward County Funeral Directors Association 1981
Consultant of the Year, National Safety Council, 1984
Florida Commendation Medal, Florida National Guard, 1984

BIBLIOGRAPHY:

1. Wright RK, Alexander RL. "An Automated Method for Measuring Creatine Phosphokinase Activity in Serum," Clin Chem, 16:294-9, 1970
2. Hagen DQ, Mikolazczak J, Wright RK. "Aggression in Psychiatric Patients" Comp Psych, 13:481-7, 1972
3. Wright RK. "The Problem Oriented Autopsy in Quality Control" In Health Care-Application of the Problem Oriented System, Med Com Press, NY, pp432-40, 1972
4. Wright RK, Craighead J. "Phocanema Species Infection in Man", MMWR, 21:359-64, 1972
5. Kates S, Wrights KA, Wright RK. "A case of Human Infection with the Cod Phocanema Sp.", Am Trop Med Hyg, 22:6:608-10, 1973
6. Wright RK, Harris LS. "Transparencies of Graphs & Tables", ASCP Newsletter, 11:3, July 1974
7. Wright RK, Harris LS. "Auto Fatalities by Postural Asphyxia", Proc 18th Conf AAAM, 1974, pp. 104-7
8. Harris LS, Wright RK. "Injuries Fatal to Auto Occupants Using Seat Belts", Proc 18th Conf AAAM, 1974, pp. 30-6
9. Wright RK, Davis JH. "Homicidal Hanging Masquerading as Sexual Asphyxia", J For Sci, 21:387-9, 1976
10. Wright RK. "Electrocution Due to Lightning", ASCP-CCE FP-92, Council on Forensic Pathology, Chicago, Ill, 1977 pp. 1-8
11. Wright RK, Davis JH. "A Day in the Medical Examiner's Office", Am Soc Clin Path, Chicago, 1977, pp. 1-24
12. Wright RK, Davis JH. "Mechanisms of Death", Am Soc Clin Path, Chicago, Il, 1977, pp1-20
13. Wright RK, Davis JH. "Studies in the Epidemiology of Murder-A Proposed Classification System", J For Sci, 22:464-70, 1977
14. Davis JH, Wright RK. "Influence of the Medical Examiner on Cadaver Organ Procurement", J For Sci, 22:824-6, 1977
15. Wright RK. "Compensation for patient irrespective of negligence by doctor [letter]." NEJM 296:764, 1977

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17. Davis JH, Wright RK. "Indirect Lethal Ramifications of Horticulture", J FI Med Assoc, 65:210-2, 1978
18. Wright RK. "Injuries Caused by Electrical Guns", News and Views in Forensic Pathology, 6:2, 1978
19. Wright RK. "Paraquat Poisoning", ASCP-CCE FP-97, Council on Forensic Pathology, Chicago, Ill, 1978, pp. 1-9
20. Wright RK. "Pulling the Plug", Pathologist, p 607, October 1978
21. Wright RK, Besent-Matthews P. "Investigation of Explosions", For Sci Gazette, 10:1-5, 1979
22. Davis JH, Wright RK. "Diagnostic and Other Evidentiary Information at the Scene of Accident or Illness", Emergency Medical Services, Emergency Medicine, 8:85-86, 1979
23. Wetli CV, Wright RK. "Deaths From Recreational Cocaine Use", JAMA, 241:219-22, 1979
24. Wright RK, Besent-Matthews P. "Electro pathology", Am Soc of Clin Path, Chicago, Il, 1979, pp. 1-12
25. Fisher RS, Wright RK, Petty CS. "Qualification and Training for Forensic Pathology", Modern Legal Medicine, Psychiatry and Forensic Science, Chap 4, pp. 97-108, F.A.Davis, Philadelphia, PA, 1980
26. Wright RK. "Pathology and Drug Related Deaths" in Local Drug Abuse: Trends, Patterns and Issues. Proceedings Volume I, December 1980, Rockville, Maryland
27. Wright RK, Tate LG. "Forensic Pathology-Last Stronghold of the Autopsy", Am J For Med Path, 1:57-60, 1980
28. Wright RK, Ostrow A. "The Role of the Medical Examiner in Determining Time of death in Brain Dead Patients", J FI Med Assoc, 67:134-7, Feb. 1980
29. Davis JH, Wright RK. "The Very Sudden Cardiac Death Syndrome A Conceptual Model for Pathologists", Human Path, 11:117-21, March 1980
30. Wright RK, Davis JH. "The Investigation of Electrical Deaths-A Report of 220 Fatalities", J For Sci, pp514-21, July 1980
31. Rummrell RG, Wright RK, Havens S. "The Florida Implied Consent Law v. The Florida Accident Report - The Case for Admissibility of Blood Alcohol Test Results in Civil and Criminal Trials", FI Bar Assoc J, 55:362-65, May 1981
32. Wetli CV, Wright RK, Gressman E. "Case of Naked Hyperthermia", Forensic Check Sample No. FP 81-1 (FP-114) Amer Assoc Clin Path, Chicago, 1981
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35. Wright RK. "Death or Injury Caused by Electrocution", Clinics in Laboratory Medicine, 3:343-53, 1983
36. Wright RK. "Death or Injury Caused by Explosion", Clinics in Lab Med, 3:309-19, 1983
37. Iscan MY, Loth SR, Wright RK. "Age Estimation From the Rib by Phase Analysis: White Males", J For Sci, 29:1094-1104, 1984
38. Iscan MY, Loth SR, Wright RK. "Metamorphosis at the Sternal Rib End: A New Method to Estimate Age at Death in White Males", Am J Phy Anth, 65:147-156, 1984
39. Iscan MY, Loth SR, Wright RK. "Age Estimation From the Rib by Phase Analysis: White Females", J For Sci, 30:853-863, 1985
40. Wright RK. "AIDS: A Brief Overview", Nova Law Review, 1985
41. Amon CA, Tate LG, Wright RK, Matusiak W. "Sudden Death Due to Ingestion of Cocaine", J Analy Tox, 10:217-18, 1986
42. Iscan MY, Loth SR, Wright RK. "Racial Variation in the Sternal Extremity of the Rib and its Effect on Age Determination", J For Sci, 32:452-466, 1987
43. Riker CD, Wright RK, Matusiak W, de Tuscan BE. "Massive metoprolol ingestion associated with a fatality-a case report." J For Sci 32:1447-52, 1987.
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45. Tate LG, Wright RK. "Medical Examiner Autopsy and Post Mortem Serologic Testing as a Monitor of HIV Infection in a Prevalence", International Symposium on the Role of the Autopsy in Epidemiology, Medical Research and Clinical Practices, Trieste, Italy, June 1989
46. Wright RK, Gantner G. "Electrical Injuries & Lightning", In: Froede RC, ed. *Handbook of Forensic Pathology*. Northfield IL: College of American Pathologists; 1990
47. Wright RK. "Sudden Unexpected Death" In: Froede RC, ed. *Handbook of Forensic Pathology*. Northfield, IL: College of American Pathologists; 1990
48. Ongley JP, Wright RK. "Cutting and Stabbing" In Froede RC, ed. *Handbook of Forensic Pathology*. Northfield, IL :College of American Pathologists; 1991
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53. Wright RK. "Clinicians' documentation of gunshot wounds [letter]," *JAMA* 276:198, 1996
54. Eckert WG, Wright RK. "Forensic Pathology," in *Introduction to Forensic Sciences* ed Bill Ekert, CRC Press, 1996 pp. 93-106.
55. Eckert WG, Wright RK. "Scientific Evidence in Court" in *Introduction to Forensic Sciences* ed Bill Ekert, CRC Press, 1996, pp. 69-80.
56. Wright, RK. "Commentary on an electrocution death of an infant who had received an electric shock from an uncovered oval shaped lamp switch in his mouth while in hospital [letter]," *J For Sci* 42:963-964, 1997.
57. Wright, R.K. "Electrical Injuries" in *Emergency Medicine*, <http://emedicine.com/emerg/topic162.htm>, 1998
58. Wright RK "Tainting Evidence: Inside the Scandals at the FBI Crime Lab, Review" *The Champion*. 22(10), 1998.
59. Wright RK "Classic Heat Stroke A Case Erroneously Classified as Elderly Abuse," *Med-Leg Update*, 3(1-2): 48-53, 1998.
60. Shuman M, Wright RK "Evaluation of Clinician Accuracy in Evaluating Gunshot Wound Injuries," *J For Sci*. 44(2): 339-342, 1999.
61. Wright RK "Review of Tainting Evidence Inside the Scandals at the FBI Crime Lab" *J For Sci*. 44(2) 455, 1999.
62. Wright RK, Mittleman RE "High Voltage Electrocution" *ASCP Forensic Check Sample* 42(6) 71-83, 2000
63. Wright RK. "Forensic Pathology," in *Introduction to Forensic Sciences* ed. Stuart James, CRC Press, 2001 (in press)